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11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**  
13 **OAKLAND DIVISION**

14  
15 IN RE CALIFORNIA BAIL BOND  
16 ANTITRUST LITIGATION

17  
18 THIS DOCUMENT RELATES TO:  
19 ALL ACTIONS

Master Docket No. 19-cv-00717-JST

CLASS ACTION

**Response to Plaintiffs' Administrative  
Motion to Supplement the August 12, 2021  
Letter Brief and to Seal Material  
Designated as Confidential by an Opposing  
Party**

1 The Select Dismissed Defendants (“SDDs”), who are signatories below, oppose Plaintiffs’  
2 Administrative Motion (ECF No. 226) seeking the filing of document labeled ACIC\_000011890  
3 under seal for the Court’s consideration at the forthcoming hearing on the parties’ pending  
4 discovery dispute. Plaintiffs’ eleventh-hour attempt to misleadingly portray one email thread,  
5 produced by one SDD, out of thousands of documents that have been produced by the SDDs as  
6 purportedly reflecting a global issue is inaccurate, improper, and prejudicial. For the following  
7 reasons, Plaintiffs’ request should be denied.  
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9 **First**, Plaintiffs’ purported concern for “risks attendant to Defendants’ highly subjective  
10 criteria” based on one particular document is not indicative of the SDDs’ more global approach to  
11 discovery. The issue before the Court at the September 30, 2021 discovery conference is whether  
12 the SDDs should be compelled to produce documents even if they relate *solely to activity in states*  
13 *other than California*. ECF 208. The SDDs have never taken a position that a document is  
14 relevant only if it expressly mentions California. The SDDs have not withheld any documents on  
15 geographic scope that disclose relevant information responsive to the California bail bond market.  
16 To be clear, except for certain redactions made by ACIC on the basis of objecting to producing  
17 non-California bail information, no other SDD applied redactions on those grounds. And more  
18 important, no SDD, including ACIC, withheld documents in which there may be mixed  
19 discussions of the California bail market and non-California bail markets.  
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22 At bottom, disputes regarding one-off document production issues or questions are  
23 expected in discovery. The producing party and Plaintiffs have engaged in good faith meet and  
24 confers since Plaintiffs raised a question about the redactions on September 24, 2021. Plaintiffs  
25 are improperly attempting, however, to use this one discovery dispute related to one SDD, and  
26 one document, to imply that the SDDs’ entire discovery process has been improper. Plaintiffs’  
27 misleading efforts to conflate the decisions of one SDD with the entire defense group should not  
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1 be credited. Therefore, this document in and of itself should not be used at this late stage to raise  
2 concerns about “subjectivity” of the SDDs’ discovery process and certainly should not be used to  
3 suggest that information related solely to the non-California bail market is relevant and should be  
4 produced by all the SDDs.

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6 *Second*, the SDDs dispute that the document Plaintiffs seek to submit under seal has any  
7 relevance to the issues before the Court on September 30, 2021. The pending dispute is whether  
8 documents that relate solely to non-California markets must be produced during the “tailored”  
9 post-dismissal discovery period in a case alleging price-fixing exclusively within the California  
10 market. The document ACIC\_000011890 discloses discussion related to the California bail  
11 market, which the SDDs agree is relevant to Judge Tigar’s Order and is information the SDDs  
12 have agreed to produce. To the extent Plaintiffs raise concern about the redactions in one email  
13 thread produced among thousands by one SDD, again, this is an issue specific to one producing  
14 party that is expected to be resolved. Plaintiffs’ brash attempt to tie this document to the pending  
15 discovery dispute is unsubstantiated and irrelevant to the issues the Court will decide. The  
16 document does not otherwise evidence the behavior Plaintiffs suggest it does, but putting aside  
17 the merits of whatever argument Plaintiffs may intend to make, which is not before the Court, the  
18 document critically cannot be construed as representing “the kind of information that the SDDs  
19 are withholding from their document productions.”  
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22 *Third*, Plaintiffs’ attempt to submit this document to the Court on the eve of the hearing  
23 unfairly prejudices the SDDs and does not provide a reasonable opportunity for the SDDs to  
24 appropriately respond to Plaintiffs’ positions. Plaintiffs have had this document for weeks, but  
25 did not raise their intent to file it with the Court until last night. Although the producing party  
26 became aware of Plaintiffs’ concerns with the document less than a week ago on September 24,  
27 2021. Plaintiffs did not raise this issue with the other SDDs until last night when they invited  
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1 SDDs to join their unilateral phone call to the Court. And despite repeated attempts to understand  
2 why the document needed to be submitted to the Court, the SDDs, including the producing party,  
3 did not get a cogent explanation of Plaintiffs' position prior to the filing of Plaintiffs' motion.  
4 Therefore, there have been no good faith efforts to meet and confer at a global level on the  
5 propriety of Plaintiffs' submission of the document to the Court.  
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7 For the foregoing reasons, the SDDs respectfully request that Plaintiffs' request to file  
8 document ACIC\_000011890 under seal and supplement its letter brief should be denied.  
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